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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER
DESIRE, GREGORY M

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1   MS. HALL: This is Calendar Number 15, Appeal Number 2007-

2   3026 and the attorney is Mr. Rodger Browdy.

3   JUDGE RUGGIERO: Afternoon.

4   MR. BROWDY: Good afternoon. I brought a couple demonstratives

5   which are just the figures and hopefully you don't mind if I --

6   JUDGE RUGGIERO: That's okay.

7   MR. BROWDY: -- make use of them, so --

8   JUDGE RUGGIERO: Could you, could you spell your name for the

9   reporter?

10   MR. BROWDY: B R O W D Y. Rodger Browdy. Alright, this is

11   really a very simple invention. Even a simple biotechy like me can

12   understand this and be able to do the oral hearing, so that really attests to it

13   … . It simply deals with how control buttons are placed on a, on a computer

14   screen. When a plurality of data fields are on a screen and an operator has

15   verified that all the data fields are correct, a button is pushed to tell the

16   computer okay I'm finished with that page I want to go on to another page.

17   Usually that button is a done button or an enter button.

18   And, in this invention is simply that instead of having a single done

19   button down of in the corner somewhere, there's a plurality of done buttons

20   all over the screen so that you don't have to move the mouse as far in order

21   to get to that done button. And, apparently this is 50 percent of the time

22   wasted when, when going through, for example, optical character

23   recognition. And, and, just so that it's, so that there's no confusion on this

24   Figure 2-B of our invention all these done buttons, that doesn't mean that A,

25   I'm done with this one; I'm done with this one. No, these are all

26   duplications. When you're done with everything on the screen, you'll

1   correct this; oh, that's really an A. You'll correct this; that's really an A.

2   When you're done correcting everything then you can hit any one of the

3   done buttons. They all do the same thing. They are not just saying hey, I'm

4   done with that square; I'm done with the screen. Previously, you would

5   have to go down to here, now you can just go wherever it's closer; just

6   wherever your mouse was at the end.

7   So, in this example in the spec I know the claims aren't directed to the

8   example of OCI, but the example in the spec when using optical character

9   recognition to recognize, for example, handwriting, you're going to -- the

10   computer is going to aside -- assign a code for each letter. And, that code

11   will probably be the ASKI code for what that letter is. And, it will bring up

12   on the screen an array of all, of images of all the different letters that the

13   computer has figured this must be an A and assign that code. And, that's

14   what, that's what this, this view is showing when you, when you're finished

15   you just hit anyone of the done buttons and you go on to the Bs.

16   Now, what you're probably more interested in is the claims then, then

17   what's being disclosed so let's go right to the claims.

18   The claims are -- there's three independent claims. The method

19   claim, Claim 1, is a method of increasing efficiency. Claim 12 is an

20   apparatus for performing to method and Claim 23 is a software for

21   performing the method, but they all have the critical language in it so I'm

22   just going to rely on Claim 1 for the purpose of this argument. If Claim 1 is

23   free of the prior art, then the other claims are as well.

24   Claim 1 has the important language in the second paragraph in the

25   placing paragraph, that it has a multiple redundant instances of an on-screen

26   control at different locations for selection by the operator. And, then in the

1   third actuating paragraph, it says that selection by the operator of any of the

2   instances of the control actuates that control.

3   So, the issue that, that we've been trying to establish is that hey

4   redundant has a meaning. And, the Examiner hasn't explained how he's

5   interpreting redundant to have to agree to the prior art. Now, I'll go into the

6   prior art in a second, but redundant -- even in the claim, it says hey you can

7   push anyone of the buttons to get the control function. They're duplications.

8   This is what redundant means in the computer art. I think that official notice

9   can be taken that in the computer art when you talk about a redundant hard

10   drive; a redundant hard drive is one that's a backup. It's a duplication. You

11   can get rid of it and it'll still operate. Redundant circuitry is one goes down,

12   the other one will work; it's a duplication. It's not something, it's not

13   something that performs a separate -- you never call a redundant circuit

14   something that performs a completely separate operation.

15   Looking at the, looking at the prior art, the Examiner relies, for

16   example, on Figure 4 of the Yeager Patent. The Examiner refers to these 52;

17   says those are redundant. And, he refers to these 54; he says oh those are

18   redundant as that term is used in your claim. Well, 52 -- these, these -- this,

19   this is a simple data base. And, this screen is the search window, so you're

20   looking and you want to find this particular barcode, this barcode number,

21   this part number you can just enter the part number and you hit done and you

22   go and it brings up the screen that shows everything that you found in your

23   search from the data base.

24   The Examiner refers to Column 10, Lines 60 to 65, and again, I also

25   have demonstrative of those pages if you want me to -- that are highlighted

26   if you want me to hand them to you, I will. On Page 10, Line 60 to 65,

1   Column 10, Line 60 to 65 says you push this it brings up another screen that

2   you see in Figure 5, which is on the second page of the drawings that, that

3   list all the part numbers and you click on one of them that will automatically

4   bring it up here and you don't have to type. It's a simple down -- drop down

5   menu.

6   And, so every one of these is a completely different function; you

7   can't get rid of -- none of them can be said to be redundant to the other. If

8   you want to look up by part numbers, you have to do this one. If you want

9   to look up by description, you have to do this one. They are not redundant.

10 Same thing with these, these drop down, presuming that these arrows drop

11 down what you see here in 54, you've got, you've got one for every line

12 number and it shows this; is it equal, is it greater than.

13   If you want to know that the part number is greater than 100, you

14 can't push on this. It doesn't have the same function. It's not redundant.

15 You have to push on this one. Yeah, sure every time you push on it you get,

16 you get the same drop down, but they don't have the same function because

17 this drop down when you push here only has to do with this particular line.

18 It, it is not redundant. There may be better prior art out there. I don't know,

19 but this prior art, I don't think, shows -- fairly shows what we, what we,

20 what we are claiming.

21   The Examiner also -- let me just mention that Claim -- we've

22 separately argued Claims 2 and Claim 5, so I'll only talk about tow and five

23 in the hearing. Claim 2 says that the -- but the control is it's the -- it verifies

24 that the data -- excuse me, it's an input. The, the control indicates that the

25 data are verified, okay. Again, going back to OCR, once you've finished

26 verifying everything you hit the done key. It shows everything is verified.

5

1   Even in a data base, I'll give you -- I'll grab the Examiner that -- okay, even
2   if you're entering it before you hit the done button, you'll look and you
3   make sure that what you've entered is verified, okay. So, I'll, I'll, I'll grant
4   that, but, but none of these have anything to do with establishing the data is
5   verified; none of these have anything to do with establishing that the data is
6   verified.
7   Certainly Claim 2 can't be anticipated by Figure 4. Claim 5, as well,
8   refers to the fact that the control is indicates that the operator has finished
9   processing the data in and the whole plurality of fields; very similar to two
10 in that regard. And, the Examiner for Claim 5, he doesn't talk about
11 anticipation of Figure 4, he talks about anticipation by Figure 7. So, if
12 Figure 7 anticipates Figure 5, it must anticipate Figure 1. So, we have to
13 look at, at, at all five is dependent from. I mean, look at all the limitations.
14   What do we have in five? This, this is the edit page in a standard data
15 base. Instead, the other one was the search page. This is the edit page where
16 you can bring up one of the descriptions and make corrections or you can
17 add new ones; we going to add new records. And, the, the Examiner says
18 that well you've got the add and the update. You've got the save and the
19 done and these are all redundant. These all show that you're, that you're,
20 you're done in one way or another, but if you look at the, if you look at the
21 patent disclosure on Column 12 at the very bottom, it says when you're
22 doing an edit. Once the appropriate field's 83 have been edited the user
23 simply clicks on the the update button and then the save button. Really
24 they're not redundant. They don't do the same thing. You have to click it in
25 a certain order. They don't go into great detail what each of these buttons
26 do, but one thing I know if it says something what -- if it says something

1   different, it's doing something different. Same thing when you're adding on

2   Column 13 at the end of the first paragraph. It says that once the new

3   parameter values are entered into fields 83, the user simply clicks on add and

4   then save, okay. And, presumably the done button means that you can, you

5   can add 100 records and go done to go to another window later on, so I'm,

6   I'm just assuming what these do because they're not -- it doesn't say in this

7   spec, but they're not redundant. They're not duplications.

8   If you look -- we all agree, I think, that claim interpretation is you

9   give the broadest term, the broadest reasonable interpretation consistent with

10 the specification. I think that however the Examiner interprets redundant;

11 it's not a reasonable interpretation and is certainly not consistent with the

12 specification. Now, it's hard for me -- admittedly, it's hard for me to argue

13 exactly what the specification says that term means since the term isn't used

14 in the specification. But, the specification does say at Page 4, Lines 1 to 5,

15 those skilled in the art will appreciate that duplication of such controls at

16 multiple locations on the computer screen can enhance the speed and

17 efficiency of data processing in a variety of applications; it's the duplication

18 consistent with the claim interpretation if redundant, meaning duplication in

19 the computer arts. And, similarly at Page 11, Line 25 to Page 12, Line 1, the

20 inventor has found that by duplication and strategic placement of on-screen

21 controls without limitation to control of a specific type it is possible to

22 reduce the time that an operator spends on interaction with a given screen.

23   This sort of strategic duplication is not know in the prior art. This is

24 what the prior art -- the Examiner has not found this in the prior art. I think

25 that the claims fairly claim this concept of strategic duplication multiple

26 redundant instances of a control that the operator can push any one of those

1   instances and it actuates the control. That's what the claim requires.

2   I'll be happy to answer any questions.

3   JUDGE TURNER: I, I guess just one quick question. The, the brief

4   seems to argue at one point that Appellant is saying that redundant is

5   equivalent to interchangeably, interchangeably performing the same

6   function. Is, is that a definition that I, that I, that I'm -- I guess I'm

7   questioning whether is that a definition that Appellant can live with?

8   MR. BROWDY: Read it again, please.

9   JUDGE TURNER: I just pulled this --

10   MR. BROWDY: Yeah.

11   JUDGE TURNER: -- out of the brief; is interchangeably perform the

12   very same function?

13   MR. BROWDY: Yeah, we can live with that.

14   JUDGE TURNER: Okay, I mean, I, I, I understand that this -- the

15   majority of the brief and, and the answers seems to be going back and forth

16   on what the, the definition of redundant means. And, and as you said, it

17   doesn't appear that the specification really provides such a definition and

18   then there's lots of back and forth and so I think that we sort --

19   MR. BROWDY: I think that that definition --

20   JUDGE TURNER: -- of what we need to determine.

21   MR. BROWDY: -- is consistent with what the specification says is

22   the invention, which is duplication. The, the buttons duplicate one another

23   that strategic placement of duplication that you can push any one of them it

24   does the same thing. And, the claim says -- and, and, and I think it's

25   important to note that the third paragraph of the claim says selection of any

26   one of them does the same control.

1   JUDGE TURNER: Okay.

2   MR. BROWDY: I, I, I looked up two other definitions of --

3   computer type definitions of, of redundant; I think that they all apply.

4   Redundant describes computer and network system components such as

5   fans, hard drives, service, operating systems, switches, and

6   telecommunication links that are installed to back-up primary resources in

7   case they fail. Another definition; back-up or raise drives, discs or power

8   supplies that duplicate functions performed elsewhere.

9   And, I think that any one of those work for our definition of

10   redundant.

11   JUDGE TURNER: Okay. Questions? Okay, thank you.

12   MR. BROWDY: Thank you, very much.

13   (Whereupon, the proceedings concluded.)